

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CURTIS HOLMES,

Plaintiff,

v.

DR. L. OVERALL, DR. GARDNER,  
REDNOUR, UNKNOWN PARTY and  
WEXFOR HEALTH SOURCES, INC.,

Defendant.

Case No. 13-cv-290-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 53) of Magistrate Judge Philip M. Frazier recommending that the Court grant the plaintiff’s motion (Doc. 44) and deny the defendants’ motion (Doc. 45) for summary judgment on the issue of exhaustion of administrative remedies.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 53);
- **GRANTS** the plaintiff’s motion for summary judgment (Doc. 44) on the affirmative defense of exhaustion of administrative remedies; and

- **DENIES** the defendants' motion for summary judgment (Doc. 45) on the affirmative defense of exhaustion of administrative remedies.

**IT IS SO ORDERED.**

**DATED: October 16, 2014**

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**